

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1. JANE DOE,

Plaintiff,

v.

2. RICARDO MUNGUIA,

Defendant.

Case Action No. 24-cv-00394-SH

DECLARATION IN SUPPORT OF ENTRY OF DEFAULT

I, DANIEL S. SZALKIEWICZ, of full age, declare as follows:

1. I am a partner at the law firm of Daniel Szalkiewicz & Associates, P.C., attorneys for the Plaintiff in the above-captioned action. I am a member in good standing of the bar of the States of New York and New Jersey and am admitted to practice in several federal courts, including the Northern District of Oklahoma. I make all statements herein based on my personal knowledge.

2. I make this Declaration in support of Plaintiff's application for the entry of default against defendant Ricardo Munguia ("Defendant"), pursuant to Federal Rule of Civil Procedure 55(a).

3. Plaintiff's Complaint in this matter was filed on August 26, 2024 (*DE 1*). The Summons was issued on September 9, 2024 (*DE 11*).

4. Plaintiff accomplished service on Defendant on September 12, 2024 (*DE 12*).

5. I have not heard from Defendant nor any counsel for Defendant concerning the filing of an answer to the Complaint and, to my knowledge, no filing with the Court was made by Defendant under Local Civ. R. 6.1(b).

6. The time in which Defendant may answer or otherwise respond to Plaintiff's Complaint has expired and has not been further extended by the Court, and Defendant has not answered or otherwise moved.

7. Upon Plaintiff's information and belief, the Defendant is neither an infant nor an incompetent person requiring special service in accordance with Rule 4(g), Federal Rules of Civil Procedure, and is not serving with the armed forces of the United States entitled to the protection of 50 U.S.C. App. Section 521.

8. This belief is based upon information available at <https://scra.dmdc.osd.mil>, the Official Department of Defense Servicemembers Relief Act ("SCRA") website. I have personally reviewed the Defendant's report generated by the site, attached hereto as Exhibit 1.

9. Plaintiff seeks in the complaint damages for violation of 15 U.S. Code § 6851, specifically the sum certain of the liquidated damages contained in 15 U.S. Code § 6851(b)(3)(A)(i): "an individual may recover the actual damages sustained by the individual or liquidated damages in the amount of \$150,000, and the cost of the action, including reasonable attorney's fees and other litigation costs reasonably incurred[.]"

10. Accordingly, this request is being made for the entry of default against Defendant in the above-captioned matter.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Executed on: October 22, 2024
New York, NY

/s/Daniel Szalkiewicz, Esq.
Daniel S. Szalkiewicz